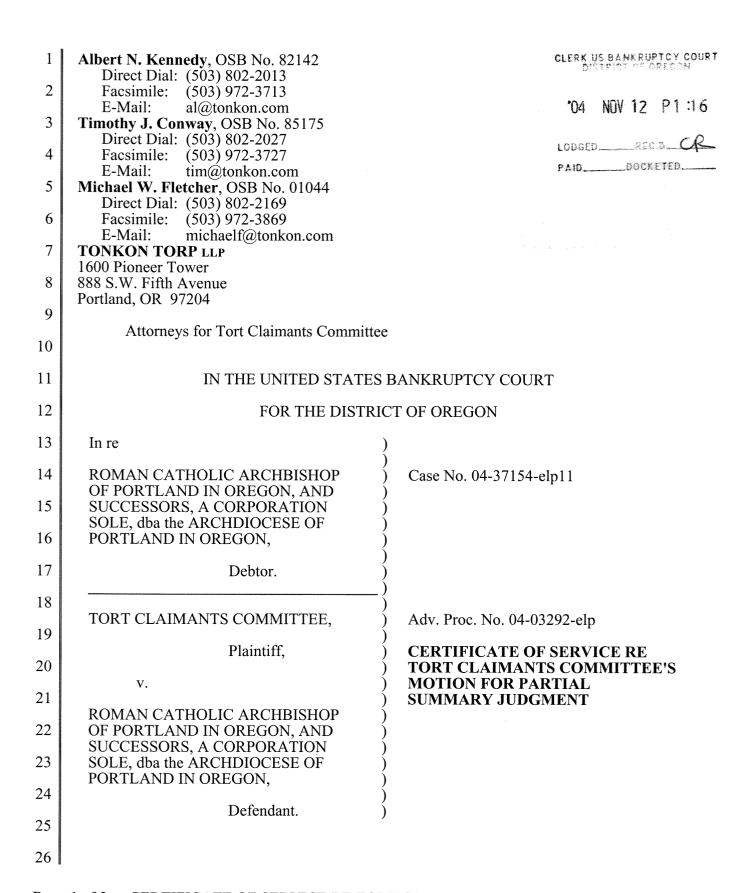


Page 1 of 2 - TORT CLAIMANTS COMMITTEE'S MOTION FOR PARTIAL SUMMARY JUDGMENT

1	Pursuant to Bankruptcy Rule 7056 and Federal Rule of Civil Procedure 56,
2	the Tort Claimants Committee moves for an order granting it partial summary judgment as
3	follows:
4	1. Dismissing Debtor's Third Affirmative Defense (Lack of Subject
5	Matter Jurisdiction);
6	2. Dismissing Debtor's Fifth Affirmative Defense (Religious Freedom);
7	3. Dismissing Debtor's Sixth Affirmative Defense (Not Property of the
8	Estate) as it applies to Debtor's parishes' and schools' interest in the Disputed Real Property
9	identified in Exhibit 14b to Debtor's Statement of Financial Affairs, as amended; and
10	4. Declaring that Debtor's parishes and schools have no legal or
11	beneficial interest in the Disputed Real Property.
12	This motion is supported by the Tort Claimants Committee's Memorandum in
13	Support, the Tort Claimants Committee's Concise Statement of Material Facts, the Affidavit
14	of Albert N. Kennedy, the Affidavit of Malcolm Newkirk and the Affidavit of Patricia L.
15	Miller.
16	DATED this 12th day of November, 2004.
17	TONKON TORP LLP
18	
19	By Slevet M. Kennedy
20	ALBERT N. KENNEDY, OSB No. 82142 Attorneys for Tort Claimants Committee
21	MARCI A. HAMILTON, <i>Pro Hac Vice</i> 36 Timber Knoll Drive
22	Washington Crossing, PA 18977
23	Telephone: (215) 493-1973
24	Special Counsel for Tort Claimants Committee 032545\000001\595344 V001
25	
26	

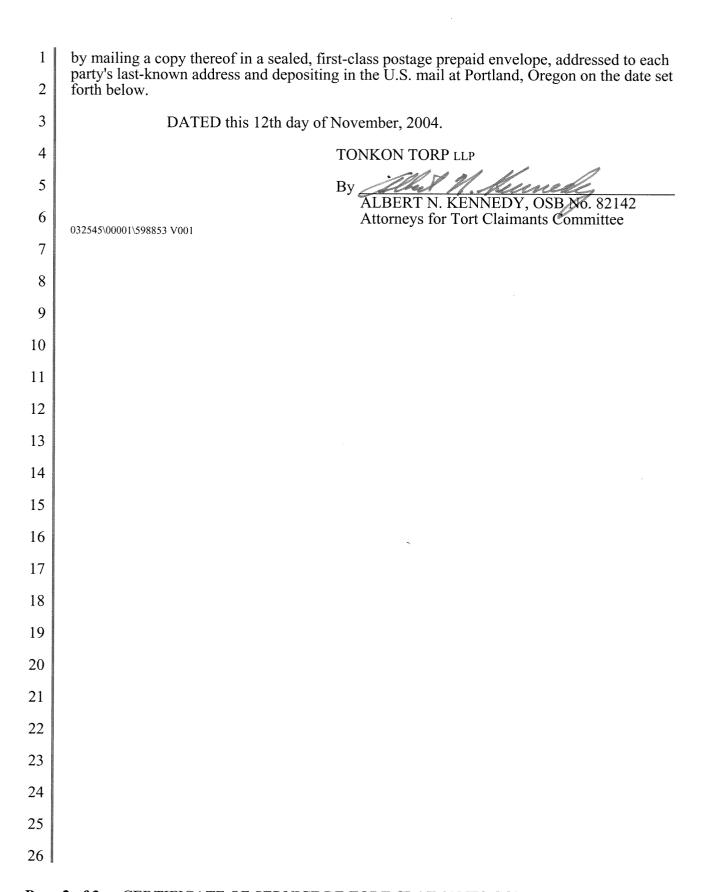
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Page 1 of 3 - CERTIFICATE OF SERVICE RE TORT CLAIMANTS COMMITTEE'S MOTION FOR PARTIAL SUMMARY JUDGMENT

1 2	I hereby certify that I served copies of the following documents on the parties listed below:
3	 Proposed Order Granting Tort Claimants Committee's Motion for Leave to Submit Overlength Brief and Overlength Concise Statement of Material Facts;
4	2. Tort Claimants Committee's Motion for Partial Summary Judgment;
5	3. Tort Claimants Committee's Memorandum in Support of Motion for Partial Summary Judgment:
6	4. Tort Claimants Committee's Concise Statement of Material Facts;
7 8	5. Affidavit of Albert N. Kennedy in Support of Tort Claimants Committee's Motion for Partial Summary Judgment;
9	6. Affidavit of Malcolm Newkirk in Support of Tort Claimants Committee's Motion for Partial Summary Judgment; and
10	7. Affidavit of Patricia L. Miller in Support of Tort Claimants Committee's Motion for Partial Summary Judgment.
12	Howard M. Levine
13	Thomas W. Stilley William N. Stiles
14	Sussman Shank LLP 1000 S.W. Broadway, Suite 1400
15	Portland, OR 97205-3089 Attorneys for Debtor Roman Catholic Archbishop of Portland in Oregon
16	James M. Finn
17	Schwabe, Williamson & Wyatt, P.C. 1600-1900 Pacwest Center
18	1211 S.W. Fifth Avenue Portland, OR 97204-3795
19	Special Counsel for Debtor
20	Pamela J. Griffith U.S. Trustee's Office
21	620 S.W. Main Street, Room 213 Portland, OR 97205
22	by causing a copy thereof to be hand-delivered to each party at each party's last-known
23	address on the date set forth below; and on
24	L. Martin Nussbaum Rothgerber Johnson & Lyons LLP
25	Wells Fargo Tower, Suite 1100 90 South Cascade Avenue
26	Colorado Springs, CO 80903 Special Counsel for Debtor

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